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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,426	08/29/2006	Keith David Handy	SWIN 3523	4699
7812 7590 05/20/2009 SMITH-HILL AND BEDELL, P.C. 16100 NW CORNELL ROAD, SUITE 220 BEAVERTON, OR 97006				
EXAMINER				
PATEL, RITA RAMESH				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
05/20/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,426

Applicant(s)

HANDY, KEITH DAVID

Examiner

RITA R. PATEL

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 11/16/06

DETAILED ACTION

The preliminary amendment filed on 8/29/06 has been entered. It is noted that claims 1-21 have been canceled and claims 22-42 are newly added claims.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: PORTABLE CONVEYOR CLEANING ASSEMBLY.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

More specifically, in claim 28 the claim limitations "clutch means such that the carriage member will not move if a resistive force above a predetermined level is encountered" does not particularly point out or distinctly claim the subject matter which applicant regards as the invention. If a resistive force above a predetermined level is encountered, does this mean the carriage will not move because a so-called resistive

force, such as a braking system or stopping of the driving motor, will force the carriage to prevent the carriage from further movement? What does Applicant mean by a resistive force and a clutch means? What type of "predetermined level" is required, is it one of a measure force or lack thereof? Does this mean the carriage may be manually held still if a person/user used a resistive force to hold it?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-27, 30-33, and 38-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Erich Bruhin herein referred to as "Bruhin" (EP 0820956 A1).

Bruhin teaches a device and method for cleaning a surface of a moving flat element, especially of an escalator or a conveyor. The device has a jet head 5 (elongate body) supplied with pressurized air and a cleaning fluid, directed onto a surface 10 of escalator or conveyor 1, for loosening dirt, which is removed via a suction device 6 (vacuum system). The jet head 5 is supported by a holder 13 which is displaced across the top of surface 10, the distance from this surface being adjustable (Abstract).

As illustrated in Figure 2, the jet head 5 is attached to a carriage 20 (carriage) which is fixed along a guide member 19 and guide rails 18 (reciprocal movement

providing means), so it can move longitudinally along a horizontal plane of surface 10. At the ends of the guide member 19, brackets 15 (first and second engagement members) are attached to side walls by suction cups 16 (locking means). Inherently, the width of the placement/extension of brackets 15 determines the length at which the carriage body may travel.

Bruhin's teaching of an escalator or conveyor reads on Applicant's claims for a belt/chain. Moreover the device of Bruhin can be manually adjustable by the adjustment/placement of suction cups 16 and brackets 15 (manually adjustable). Bruhin teaches the use of sensors 36, 38 in combination with a control 35 (one or more sensors).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruhin.

Bruhin teaches the claimed invention except fails to specify the speed of the carriage's horizontal movement. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to optimize the speed of the reciprocal movement of the carriage to achieve the most optimal cleaning; lightly dirtied surfaces may be cleaned faster, however very soiled surfaces may require the surface is cleaned

at a slower rate and thus the carriage will move at a slower rate horizontally across the surface 10 to be washed. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Moreover, it is envisaged that the controller of Bruhin is used to control the speed at which the carriage traverses across guide member 19 and guide rails 18 to ensure proper cleaning and no missed spots.

Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruhin as applied to claims above, and further in view of Meeker et al. herein referred to as "Meeker" (Patent No. 3,12,235).

Bruhin teaches the claimed invention except is silent regarding the use of a removable safety cover. However, the use of safety covers in conveyor type cleaning machines employing the use of pressurized liquids is known in the art. For example, Meeker teaches a conveyor structure for cleaning dishes which has a safety cover 207. The safety cover 207 of Meeker must be in place before the conveyor can run, and further, the conveyor control circuit is under the control of the platform operated switch 170 (col. 7, lines 65-68). It is envisaged that the safety cover 207 of Meeker is attached by slots, since this is a known way to attach a cover, such as a bolt/screw inserted into a slot of the machine or a snap fitment by way of a hook inserted into a slot. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a safety cover feature in the invention of Bruhin, as taught by Meeker, since it a known means in the conveyor art for providing safety. It is beneficial to have a safety cover so

the operator nor any passerby's are injured, and also to reduce spray off of liquid during cleaning.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Hall (Pub. No. US 2004/0222066) teaches a conveyor belt cleaning system which travels horizontally across a surface of a conveyor and uses a scraper for cleaning.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RITA R. PATEL whose telephone number is (571)272-8701. The examiner can normally be reached on M-F: 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art
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/Rita R. Patel/
Examiner, Art Unit 1792